



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. James Tierney  
Assistant Commissioner of Water  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-3500

FEB 04 2016

**Re: New York Draft CWA CAFO Permit**

Dear Mr. Tierney: *Jim*

This letter is a follow up to the January 12, 2016, email sent to Jacqueline Lendrum from Andrea Coats regarding the U.S. Environmental Protection Agency's (EPA's) review of the New York State draft Clean Water Act (CWA) Concentrated Animal Feeding Operations (CAFO) General Permit, which was transmitted to the EPA on December 23, 2015. In the January 12 email, the EPA notified the New York State Department of Environmental Conservation (DEC) that, pursuant to 40 C.F.R. 123.44(a)(2), the EPA has 90 days from receipt of a proposed general permit to provide comments, objections or recommendations. The purpose of this letter is to outline a schedule for a two-step review process as described in the Memorandum of Agreement between the EPA and the DEC authorizing DEC's SPDES Program, in order to ensure a thorough review while expediting the final issuance of the permit.

The EPA is currently reviewing the draft permit and anticipates sending initial comments, objections or recommendations to the DEC by February 25, 2016, so that the EPA's comments can be considered along with those from the public. The EPA's initial set of comments, questions and recommendations will reflect all concerns we have with the draft permit. Once the DEC has addressed the EPA's comments and responded to any relevant comments received from the public, it should transmit the permit that it proposes to issue to the EPA for final review. The EPA will then review the proposed permit and, as soon as possible, but no later than forty five days after receipt, will notify the DEC of its approval of the permit or of any remaining comments, objections or recommendations that must be addressed prior to final issuance.

Thank you in advance for your cooperation. Should you have any questions with regard to the above, please contact me at (212) 637-3724, or your staff may contact Andrea Coats at (212) 637-3850.

Sincerely,

Joan Leary Matthews, Director  
Clean Water Division

cc: Ms. Jackie Lendrum, New York State Department of Environmental Conservation,  
Division of Water, Bureau of Water Permits